

ON-LINE ZONING ORDINANCE DISCLAIMER

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Text current through Ordinance
#1288 of September 12, 2005

ARTICLE 20.00

OVERLAY DISTRICTS

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[Note: *Institutional Overlay Districts are located in Section 4.50 of the Zoning Ordinance*]

20.10 TRANSITION OVERLAY DISTRICTS

These overlay districts are intended to apply special dimensional, use, and other standards to development in areas where abutting zoning districts have significantly different character in one or more use or dimensional aspects. It is intended that the provisions of the overlay district will modify the form, location, and use of buildings such that the use of land in each district will not be unreasonably negatively impacted by the use of land in the adjoining district. The requirements of each overlay district shall apply in addition to the requirements of the pertinent base zoning district; where the base zoning regulations differ from the requirements of the overlay district, the requirements of the overlay district shall apply.

20.11 Hammond and Gorham Streets Transition Overlay District

20.11.1 Establishment and Scope. There is hereby established the Hammond and Gorham Streets Transition Overlay District, which shall be governed by the regulations and procedures specified in this Section 20.11. These regulations are intended to provide a transition between the character and scale of development existing and permitted in the abutting Residence C-1 district and the institutional development existing and permitted in the base Residence C-3 district. It is the intent of this Section that these regulations shall apply to a single area located at the southerly edge of Hammond Street and Gorham Street, which shall be designated as the "Hammond and Gorham

Streets Transition Overlay District” on the Zoning Map of the City of Cambridge established in Section 3.20, and shall be an area as bounded and described in Section 20.11.2 below.

20.11.2 Boundaries of the District.

The boundaries of the district shall be as described below.

- a. Southerly, southwesterly, and southeasterly, by a line that is 100 feet distant from and parallel to the southerly and southwesterly centerlines of Hammond, Gorham, and Museum Streets, said line making an arc with a radius of 100 feet as it follows the intersection of Gorham and Museum Streets;
- b. Easterly, by the existing boundary lines between the Residence C-3 zoning district and the Residence A-2 zoning district;
- c. Northerly, by the centerlines of Hammond, Gorham, and Museum Streets; and
- d. Westerly, by the easterly sideline of Oxford Street and its extension northerly to the centerline of Hammond Street.

Affecting lots or portions of lots numbered 2 and 44, as shown on Assessors Plat #148, and lot 41 on Assessors Plat #147.

20.11.3 Applicability. Divergence from the standards established in this Section 20.11 shall be allowed only by issuance of a special permit from the Planning Board as specified in Section 10.45. The Planning Board shall grant such permit upon its determination that the development proposed will better serve the objectives of this Section 20.11 and that the criteria specified in Section 10.43 will be satisfied. The Planning Board may not waive the requirements of the base Residence C-3 district.

20.11.4 Review Process. The Hammond and Gorham Streets Transition Overlay District shall be considered an area of special planning concern. Development proposals listed in Sections 19.42 and 19.43 shall be subject to the Development Consultation Procedure specified in those Sections.

20.11.5 Dimensional Standards

20.11.51 Maximum Height. The maximum height of a building shall be thirty-five feet. However, a building may exceed thirty-five feet in height provided all portions of the building above thirty-five feet in height are located beneath one or more roofs that are visible from Hammond, Gorham, Museum or Oxford Streets, that meet the following requirements:

- (a) The slope of the roof or roofs shall be at least 30 degrees, as measured from the vertical plane.
 - (b) The centerline of the sloped roof, being the average distance between the thirty-five foot height and the top of the sloped roof, shall not exceed forty-five feet.
 - (c) Notwithstanding the above provisions (a) and (b), portions of a building in the Overlay District that are not visible at pedestrian height from Hammond, Gorham,
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or Museum Streets may exceed thirty-five (35) feet (whether or not they are located under a sloped roof) if they meet the following requirements:

- (i) The portions of the building above thirty-five (35) feet are located between one or more sloping roofs that meet the requirements of Paragraphs (a) and (b) above.
- (ii) The building height does not exceed the height of the top of any abutting sloped roof.

20.11.52 Minimum Yard Requirement. The minimum front yard at Hammond, Museum, and Gorham Streets shall be fifteen feet, as measured from the street line.

20.11.53 Relocated Buildings. Existing structures may be relocated into the Hammond and Gorham Streets Transitional Overlay District. Such structures shall comply with all provisions of this Section 20.11. However, as set forth below, variations from the requirements of this Section 20.11 shall be permitted for those relocated buildings meeting the following standards.

- (a) The structure is at least fifty years old and consists of wood framed construction;
- (b) The height above grade of the structure does not exceed by more than ten percent the maximum height specified in Section 20.11.51;
- (c) The structure is not wider than fifty feet (measured along a line parallel to the street line on whichever of Hammond Street, Gorham Street, or Museum Street that the structure faces) ; and
- (d) The structure does not exceed by more than 10% any of the other dimensional regulations specified in Section 20.11.6.

20.11.6 Special Provisions

20.11.61 Special Dimensional Limitations. A number of special dimensional requirements shall be imposed on buildings in the Hammond and Gorham Streets Transition Overlay District to ensure compatibility of future institutional building and site design with the residential scale of development across these streets. These requirements are subject to the following definitions.

Overlay Design Building Width. A width above grade no greater than forty-five feet measured at the widest point through the building along a line that (i) is parallel to the sideline of the street and that (ii) extends from the two most extreme points on opposite sides of the relevant portion of the building (excluding from that measurement any Permitted Projections).

Overlay Design Front Yard. A front yard that is a minimum of fifty feet measured from the streetline and required of all buildings in the Transition Overlay District except as may otherwise be provided in this Section 20.11.61.

Permitted Projections. (i) Trellises, pergolas, arbors, unenclosed steps, and unroofed porches that do not extend more than ten feet beyond the foundation wall, and (ii) bay windows that do not extend beyond 3.5 feet, cornices, projecting eaves, patios,

chimneys, balconies, open fire escapes, and like projections with dimensions that do not exceed four feet beyond the line of the foundation wall.

The following requirements and limitations apply to all buildings in the Transition Overlay District.

- (a) A single building or a portion of a building located in the Hammond and Gorham Streets Transition Overlay District facing Hammond, Gorham, or Museum Streets, that is proposed to have a width above grade no greater than the Overlay Design Building Width, may extend into the Overlay Design Front Yard but may not extend into the minimum front yard; however Permitted Projections (other than open fire escapes) may extend into the minimum front yard.
 - (b) Where more than one portion (excluding any Permitted Projections) of a building, each of which portions (i) is proposed to have a width above grade no greater than the Overlay Design Building Width, and (ii) is proposed to be located in the Overlay Design Front Yard, there shall be at least a minimum of thirty feet distance, measured parallel to the street, between any two said portions (excluding Permitted Projections) of such building that are located in the Overlay Design Front Yard. Permitted Projections are allowed in the courtyard area existing between the portions of the building.
 - (c) The minimum distance between buildings (excluding Permitted Projections) above grade shall be as set forth in Section 5.13 but not less than twenty-five feet, except that where such area is to be used as a pedestrian access in conformity with Section 20.11.62 (c) below, the minimum distance shall be thirty feet. There shall be at least three strips of land no less than twenty-five feet in width that extend uninterrupted by any building or portion of a building from Hammond, Gorham, or Museum Streets to the southern boundary of the Hammond and Gorham Streets Transition Overlay District. Such land may be used for permitted driveways, pedestrian walkways, green area, or landscaped area. In each instance where a building permit for construction of a new building or construction beyond the existing footprint of a building is sought from the Inspectional Services Department for a building within the Transition Overlay District, a map at a minimum scale of 1" = 50' shall be included in the set of building plans showing any existing, proposed, or potential locations for the open areas required in this Paragraph (c) and the pedestrian access required in Section 20.11.62 (c) below.
 - (d) The portions of the buildings located below ground are ignored when applying the dimensional limitations in this Section 20.11.61. Underground parking in the Hammond and Gorham Streets Transition Overlay District is permitted. Buildings in the Hammond and Gorham Streets Transition Overlay District that are not connected at and above ground shall be deemed separate buildings, even if an underground garage connects one or more of them below ground. If permitted by governmental regulations and codes, the air exhaust and
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intake vents shall be oriented so as not to be pointed toward the area north of Hammond Street.

(e) The HVAC equipment and exhaust or intake vents that are located in and are serving the buildings or underground garages in the Hammond and Gorham Streets Transitional Overlay District shall be designed or screened so that they are not visible to a pedestrian standing in the public way of Hammond or Gorham Streets, and so that they comply with governmental laws regulating noise. Such equipment not serving a building within the Overlay District shall not be located within the district.

(f) The buildings built in the Hammond and Gorham Streets Transition Overlay District shall have at least one entrance facing Gorham or Hammond Streets. Nevertheless, the building may also have one or more additional entrances facing elsewhere that are actually the principal or functioning entrances serving the building.

20.11.62 Pedestrian and Vehicle Access and Accessory Parking.

(a) *Vehicular Access.* Within the Hammond and Gorham Streets Transition Overlay District, no curb cut shall be permitted that provides access to accessory or non-accessory parking and loading facilities within the Hammond Street Transition Overlay District or to such facilities lying outside the Hammond and Gorham Streets Transition Overlay District. However, such curb cuts shall be permitted to provide access for emergency vehicles and to satisfy the requirements of the Americans with Disability Act ("ADA") or the Massachusetts Architectural Access Board ("MAAB"), including the provision of parking facilities needed to meet accessibility requirements.

(b) *Permitted Parking and Loading.* Within the Hammond and Gorham Streets Transition Overlay District, any on-grade accessory loading facilities shall serve only the buildings within the District, and only parking spaces for emergency vehicles and to meet ADA and MAAB requirements shall be permitted. Underground parking garages and underground loading facilities that are accessory to an institutional use are permitted in the Hammond and Gorham Streets Transition Overlay District if the vehicular access to the garage is from south of the Hammond and Gorham Streets Transition Overlay District.

(c) *Pedestrian Access.* At least two pedestrian walkways not obstructed by buildings shall be maintained within the Hammond and Gorham Streets Transition Overlay District that connect Hammond or Gorham Streets with portions of the Residence C-3 district located south of and outside of the Hammond and Gorham Streets Transition Overlay District. Such walkways may traverse the strips of land identified in Section 20.11.61 (c), or may be separate pathways.

20.11.7 Applicability of Section 19.50 – Building and Site Plan Requirements.

The requirements of Section 19.50 shall not apply to any construction within the Hammond and Gorham Streets Transition Overlay District.

20.12 Kirkland Place Transition Overlay District

20.12.1 Establishment and Scope. There is hereby established the Kirkland Place Transition Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the westerly side line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point, said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Place 402 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the westerly street line of Kirkland Place and the northerly lot line of lot numbered 45 as shown on Assessor's Plat numbered 145. Thence turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot numbered 45. Thence turning and running southerly along the easterly lot line of lot numbered 45 to the intersection of the lot line and the circular part of Kirkland Place. Thence turning and proceeding southwesterly along the circular part of the westerly street line of Kirkland Place approximately 62.69 feet. Thence turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessor's Plat numbered 145.

20.12.2 General Purpose. It is the purpose of this Section 20.12 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 20.12.2.

20.12.3 Applicability. The Kirkland Place Transition Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 20.12 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 20.12, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance for a Special

Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.12 and that the criteria specified in Section 10.43 will be satisfied.

- 20.12.4** The Kirkland Place Transition Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 19.40.

- 20.12.5** Use Regulations. Use regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Transition Overlay District.

- 20.12.6** Dimensional Standards in the Kirkland Place Transition Overlay District

- 20.12.61** Floor Area Ratio. The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Transition Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

- 20.12.62** Maximum Height. The maximum height in the Transition Overlay District shall be 35 feet.

- 20.12.63** Setbacks. Building setbacks in the Transition Overlay District shall be the same as in the Residence A-2 zoning district.

- 20.12.64** Useable Open Space. Open space requirements in the Transition Overlay District shall be the same as in the Residence A-2 zoning district.

- 20.12.65** Nonconforming structures. Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Transition Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

20.20 MIXED USE RESIDENTIAL OVERLAY DISTRICT (MXR)

20.21 *Establishment and Purpose.* There is hereby established the Mixed Use Residential Overlay District as shown on the Zoning Map of the City of Cambridge, as amended. It is the intent of this Overlay District to modify base residential district regulations, where a substantial inventory of non-residential uses already exists, such that: (1) existing non residential activities, compatible with existing and future residential construction, may continue, (2) retail and consumer service uses that might serve as support for existing or future residential construction are permitted, and (3) future residential construction on suitable sites is not inhibited. The Overlay District is intended to facilitate a mixed use environment supportive of housing construction within the district in the future while permitting existing non residential activities to operate and adjust to changing circumstances through limited expansion in built area in ways that will not negatively impact residential activities.

20.22 *Permitted Non-Residential Uses and New Construction.* A use not otherwise permitted in the base residential district may be permitted in the Mixed Use Residential Overlay District where such use is allowed or conditionally allowed in the Industry A-1 district, subject to the following conditions and limitations and the procedures established in Section 20.24 below.

- a. The use does not replace an existing residential use or, if the lot or area of a building proposed to be the location a non-residential use is vacant, no residential use had been established at any time in the previous five years.
- b. Retail uses, Sections 4.35 and 4.36, shall only be permitted on the first floor and basement of a building, shall be located in a building containing other uses, and may not exceed more than twenty-five (25) percent of the gross floor area of the building in which they are located, or alternately no more than twenty-five (25) percent of the total area of a development proposal or any combination of existing and proposed buildings if so permitted by the Planning Board. No individual retail establishment may exceed 2500 gross square feet in area unless specifically permitted by the Planning Board.
- c. Transportation, communication and utility uses, Section 4.32; Office and Laboratory Uses, Section 4.34; Light industry, wholesale business or storage uses, Section 4.37; or Heavy industry uses, Section 4.38 may be permitted in an existing building, or as an addition to an existing building or as new construction

on a vacant lot provided the additional gross floor area is to serve uses or operations already in existence in the district.

d. Parking lot or parking garage for private passenger cars, Section 4.32 b shall be prohibited.

20.23 *Dimensional Limitations.* The Gross Floor Area for any non-residential use or combination of non-residential uses on a lot shall be limited by the FAR set forth below for the applicable residential base district.

- a. Residence C: 0.6
- b. Residence C-1: 0.75
- c. Residence C-1A: 1.0
- d. Residence C-2: 1.25
- e. Residence C-2B: 1.25
- f. Residence C-2A: 1.5
- g. Residence C-3: 2.0
- h. Residence C-3B: 2.0

All other dimensional requirements of the residential district shall continue to apply.

20.24 *Procedures.*

20.24.1 Changes Permitted As-of-Right.

Any structure existing or authorized by permit as of September 15, 2000, which contains a non-residential use not permitted in the residential base district, may be expanded in area to accommodate the existing use in an amount not to exceed, in total for all additions, 15% of the existing Gross Floor Area of the building. In no case, however, may the FAR on the lot after said addition or additions exceed that set forth in Section 20.23 above.

20.24.2 Changes Permitted by Special Permit

All other changes of use, additions to existing buildings, or construction of new buildings permitted in Section 20.22 above, and otherwise not permitted to proceed as-of-right as set forth in Section 20.24.1 above, shall require the granting of a special permit from the Planning Board

20.25 *Criteria for Issuance of a Special Permit.* Designation of the base residential zoning district expresses the policy objective of the City of Cambridge that new construction in the district should principally be for residential use, or for other uses permitted in the residential base district. However, recognizing the present land use character of the area, this Mixed Use Residential Overlay District provides flexibility such that existing non-residential uses may continue to operate without unreasonable regulatory impediment provided they do not now or will not in the future hinder the expansion or introduction of residential uses to the district. Therefore, in granting a special permit under this Section 20.20, the Planning Board shall take into consideration the following and make appropriate findings related thereto:

1. The proposed new use or expansion of an existing use will contribute to a physical and use environment that is supportive of residential uses, as for example the introduction of ancillary retail and consumer services;
2. In its operations, scale, building design and location on the lot, the proposed use or new construction will not significantly impair the health, safety and welfare of current residential occupants of the district or impair the prospects for construction of new residential uses on adjacent lots or within the district, or alternately will positively contribute to the health, safety and welfare of residents in the district;
3. In its design, the new construction could be reasonably converted to residential use in the future;
4. Where it is proposed to construct a building on a vacant lot or where it is proposed to expand an existing facility not used for residential purposes by more than fifteen (15) percent of its existing gross floor area, the lot is not suitable for residential use as indicated by its location and surrounding uses. Where the lot may be suitable for residential use, the proposed construction is to serve an existing operation or enterprise now in the district. That operation or enterprise shall be found to be an important contributor to the Cambridge economy, through the provision of employment, the generation of new ideas, products or processes, and through the potential to expand and grow elsewhere in the city in areas intended for non-residential development;
5. Special attention is paid in the design and layout of the new construction to mitigate or prevent negative impacts on present and future residential uses, including among other measures screening of mechanical equipment for visual or acoustical reasons, location of refuse management systems within the structure, and the location of loading and service delivery systems in the least obtrusive areas of the lot.

20.30 EASTERN CAMBRIDGE DEVELOPMENT RIGHTS TRANSFER DISTRICT (TDD and TRD)

20.31 *Purpose.* It is the intent of this Section 20.30 to (1) reduce the density of development close to the existing residential neighborhoods and (2) encourage housing construction compatible with the existing residential neighborhoods through the transfer of existing or potential development to other locations. It is also intended to facilitate the construction of additional residential, office, research and development, retail, and manufacturing uses in areas of eastern Cambridge that are close to transit services, and on sites now fully developed that can more effectively serve the city's Urban Design Objectives, as set forth in Section 19.30 of the Ordinance, with additional building construction. For the purposes of this Section 20.30, residential use shall be as defined as uses set forth in Section 4.31 a-h

20.32 *Establishment and Scope.* There is hereby established the Eastern Cambridge Development Rights Transfer Districts which shall be governed by the regulations and

procedures specified in this Section 20.30. These regulations shall apply to areas described below or as they may be otherwise identified on the Zoning Map, which shall be designated as “Eastern Cambridge Development Rights Transfer Donating District” (TDD) or “Eastern Cambridge Development Rights Transfer Receiving District” (TRD) on the Zoning Map of the City of Cambridge established in Section 3.20.

20.32.1 Boundaries of the Districts.

The boundaries of the districts shall be as described below.

a. The Eastern Cambridge Development Rights Transfer Donating District shall be coterminous with the boundaries of the Eastern Cambridge Housing Overlay District (Section 20.40 below) and the portion of the PUD-4B District located north of Binney Street. The Donating District shall be that area from which Gross Floor Area (GFA) is removed for use on a lot in the Receiving District. A Donating Lot shall be a lot in the Donating District from which GFA is removed.

b. The Eastern Cambridge Development Rights Transfer Receiving District shall be (1) that area bounded by the centerlines of Binney Street to the north, First Street to the east, Main Street to the south, and on the west a line parallel to, easterly of, and one hundred and fifty feet distant from the easterly sideline of Portland Street and Cardinal Medeiros Avenue, and (2) that portion of the Industry B zone located south of Main Street and bounded by the centerlines of Albany Street; Massachusetts Avenue; Windsor Street; a line southerly of, parallel to, and one hundred and fifty feet distant from the southerly sideline of Main Street; a line easterly of, parallel to and one hundred and fifty feet distant from the southwesterly extension of the centerline of Portland Street north of Main Street; and then Main Street to the point of beginning . The Receiving District shall be that area where GFA from a Donating Lot is used for development. A Receiving Lot shall be a lot in the Receiving District to which GFA is moved.

20.33 *Procedure.* The transfer of GFA from the Donating District to the Receiving District shall be permitted by special permit from the Planning Board and shall be subject to further provisions set forth below in Section 20.36. The transfer shall be permitted between non-contiguous lots that may be held in separate ownership, notwithstanding any definition of lot set forth in Article 2.000 of this Ordinance.

20.34 *Limitations, Requirements, and Conditions Applicable to Lots in the Sending District*

20.34.1 Non Residential Gross Floor Area Available for Transfer from a Lot in the Donating District to Any Lot in the Receiving District.

The total GFA that may be transferred from any Donating Lot to any Receiving Lot shall be the greater of the following:

- (1) The total amount of non-residential GFA permitted on a lot in any non-residential zoning district in the Donating District at the time of application to permit the transfer, or

(2) The existing amount of non-residential GFA contained on a lot in any zoning district in the Donating District at the time of application to permit the transfer.

20.34.2 Residual Gross Floor Area Available for Residential Development on a Donating Lot after the Non-residential GFA Transfer has been Authorized.

The total Gross Floor Area available for residential development on any Donating Lot shall be the greater of the following:

(1) The total amount of residential GFA permitted on the Donating Lot after the non-residential GFA has been transferred, including existing residential GFA and residential GFA allowed through the application of the provisions of Section 5.28.2 – Conversion of Non-Residential Structures to Residential Use, where it is proposed to reuse a non-residential structure for residential use, or.

(2) The GFA resulting from an FAR of 0.75 in Residence C-1 base district or 1.25 in any non-residential base district.

20.34.21 Residual Residential Gross Floor Area on a Donating Lot Available for Transfer to a Lot in the Receiving District.

The residential GFA permitted on a lot in any residential or non-residential zoning district as determined by Section 20.34.2 above may be transferred to any receiving lot provided the future residential development potential on the Donating Lot is not reduced below an FAR of 0.75.

20.34.3 Restrictions on the Donating Lot after Transfer is Authorized.

(1) All non-residential GFA existing or permitted under the zoning district regulations applicable on the Donating Lot, whichever is greater, must be transferred, held for future transfer, or abandoned. No non-residential development potential shall remain on the Donating Lot and no use variance may be granted to reestablish non-residential uses after the transfer of GFA has occurred. Any active non-residential use shall be discontinued.

(2) Development on the Donating Lot is limited to residential use or a public park. Where residential development is proposed to be established, the future residential development shall not have an FAR of less than 0.75. All existing gross floor area not redeveloped to residential use shall be demolished where housing is to be established on the site. The entire site shall be cleared if it is to be developed as a public park.

(3) No building or structure determined to be a Preferably Preserved Significant Building by the Cambridge Historical Commission, as provided in Ordinance No. 965 of the Ordinances of the City of Cambridge, may be demolished. Any such building required to remain shall be converted to a permitted residential use.

(4) Notwithstanding the provisions of Paragraphs (1) – (3) above, or other provisions of this Section 20.30, the remaining residential GFA on a Donating Lot may contain any office or retail use permitted in the applicable base district up to ten (10) percent of the permitted residential GFA.

20.35 *Dimensional and Use Limitations on the Receiving Lot.*

The GFA transferred from any Donating Lot to a Receiving Lot shall be subject to the following provisions:

- (1) The transferred GFA shall not be subject to any FAR or GFA limitations applicable to the receiving lot, including lots which already exceed permitted FAR limits.
- (2) Transferred Non-residential GFA may be used for any use permitted on the Receiving Lot. However, where any non-residential use is limited to a maximum percentage of total development on the Receiving Lot or Development Parcel, the transferred GFA shall be subject to that limitation unless the transferred GFA is in addition to, and not a substitute for, the GFA and use limitations otherwise applicable on the Receiving Lot or Development Parcel.
- (3) Residential GFA transferred, as permitted in Section 20.34.21 above, shall only be used for residential uses on the receiving lot.
- (4) All other dimensional limitations applicable to the receiving lot shall apply to the transferred GFA.

20.36 *Special Permit Procedures.*

20.36.1 Required Information. In applying for a special permit to permit the transfer of GFA from one or more Donating Lots to one or more Receiving Lots, the following information shall be provided:

- (1) The location of all Donating Lots and all Receiving Lots.
- (2) Enumeration of the GFA to be transferred, GFA to be retained on the Donating Lot, and the total GFA to be accommodated on the Receiving Lot; the calculations by which the proposed GFA on all sites has been determined.
- (3) Schematic development plans showing the proposed development on both the donating and the receiving lots.
- (4) A narrative describing the plan's compliance with all requirements of this Section 20.30 and consistency with the Eastern Cambridge Design Guidelines.
- (5) The schedule by which necessary demolition will take place and authorized construction will commence and be completed. Where it is proposed to occupy transferred GFA before the Donating Lot has been brought into compliance with the requirements of Section 20.34.3 above, the legal instruments proposed by which the requirements of Section 20.34.3 will be met.
- (6) The status of leaseholds for tenants in any non-residential GFA on the Donating Lots in structures that are required to be demolished or converted to residential uses, and the mechanisms by which those non-residential uses will be terminated and the site brought into compliance with the requirements of this Section 20.30.

20.36.2 Special Permit Conditions. The Planning Board shall establish in its Decision granting a special permit under the provisions of this Section 20.30 conditions that address at a minimum, the following:

(1) The sequence by which construction and demolition are to occur on both the Donating and Receiving Lots;

(2) The binding commitments to be executed if occupancy of new GFA on the Receiving Lot is to occur before demolition of GFA transferred out from the Donating lot or before new residential or park construction is to occur on the Donating Lot.

(3) The legal instruments by which a proposed park is to be made available to the general public as a public park.

(4) The process by which final development plans are to be approved by the Planning Board.

In granting a special permit the Planning Board shall determine that the authorized development is generally consistent with the development policies set forth in the *Eastern Cambridge Plan* and the *Eastern Cambridge Design Guidelines* dated June 2001.

20.36.3 Reservation of Gross Floor Area by Owners of Donating Lots. To provide flexibility over time in the utilization of GFA available to be transferred, the Planning Board may issue a special permit to permit the reservation of GFA from a Donating Lot to be applied at a later date to a Receiving Lot through a second special permit process. The reservation may be for any length of time acceptable to the Planning Board. The Board, in granting the special permit, shall approve the development plan for the Donating Lot.

20.37 *Application for a Building Permit on a Donating Lot.* No building permit application will be accepted by the Superintendent of Buildings for any construction on any lot in the Donating District without a certification provided by the applicant from the Community Development Department that the GFA to be constructed on the lot as set forth in the application is accurate and in conformance with any special permit issued under the provisions of this Section 20.30.

20.40 EASTERN CAMBRIDGE HOUSING OVERLAY DISTRICT

20.41 *Purpose.* It is the intent of this Section 20.40 to provide an incentive for residential development within the designated ECHO district as an extension of the existing residential neighborhood and to permit housing to be developed in combination with other uses permitted on a lot where a mix of uses is desirable. It is the intent of this Section 20.40 to provide an incentive through additional development potential to convert a lot devoted to non-residential uses to residential use.

20.42 *Applicability.* The ECHO District shall be an overlay district on the zoning map established in Section 3.20. Buildings and land uses shall be controlled by the pertinent regulations within the applicable base zoning districts and any other regulations that may apply in the City of Cambridge Zoning Ordinance, including Section 5.30.12, except as modified by the provisions of this Section 20.40. Except as modified by the provisions of this Section 20.40, the base district regulations shall

apply. Where reference is made in this Section 20.40 to residential uses, it shall mean residential uses as set forth in Section 4.31 a-h.

20.43 *Residential Development Density.* The maximum permitted FAR for all residential uses shall be twice the non-residential FAR permitted in the underlying base zoning district, except that for those areas whose underlying base zoning district is Residence C-1 the FAR shall be 0.75. For all areas within the ECHO District, the permitted number of dwelling units on a lot shall be that permitted in the base zoning district. However, where the proposed development has a residential FAR of at least 2.0 the permitted number of dwelling units may be increased but shall not exceed one dwelling unit for every 300 square feet of total lot area.

20.44 *Maximum Height of Buildings and Maximum Permitted Non-Residential FAR.* The following limitations as to height of buildings shall only apply to new buildings or additions to existing buildings. The permitted heights are set forth on the Eastern Cambridge Housing Overlay District Height Limitation Map, Map 20.41. The permitted heights are further described below. Where the maximum height permitted in this Section 20.44 is thirty-five feet, it shall apply to all uses permitted in the applicable base-zoning district. Where the height permitted is greater than forty-five feet, it shall apply only to permitted residential uses. For any location not appearing on Map 20.41 or described below, the permitted heights shall be those permitted in the base zoning district. The FAR set forth below shall apply to non-residential uses. Where no FAR is indicated the non-residential FAR shall be that permitted in the applicable base zoning district.

20.44.1 Maximum Height and Non-Residential FAR in that area between the centerline of Fulkerson Street and the centerline of Third Street.

1. Height of thirty-five (35) feet: from the centerline of Charles Street to a line one hundred (100) feet distant from and parallel to the southerly sideline of Charles Street, which is approximately the mid block between Charles and Bent Street.
 2. Height of forty-five (45) feet: from the mid block between Charles and Bent Streets described in (1) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Bent Street, which is approximately the mid block between Bent Street and Rogers Street. Non-residential FAR of 1.50.
 3. Height of fifty-five (55) feet: from the mid block between Bent Street and Rogers Street described in (2) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Rogers Street, which is approximately the mid block between Rogers Street and Binney Street. Non-residential FAR of 1.75.
 4. Height of sixty-five (65) feet: from the mid block of Rogers Street and Binney Street described in (3) above to the centerline of Binney Street. Non-residential FAR of 2.0.
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20.44.11 Maximum Height in that area between the centerline of Third Street and the centerline of Second Street.

1. Thirty-five (35) feet: from the centerline of Charles Street to a line one hundred (100) feet distant from and parallel to the southerly sideline of Charles Street, which is approximately the mid block between Charles and Bent Street.
2. Forty-five (45) feet: from the mid block between Charles and Bent Streets described in (1) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Bent Street, which is approximately the mid block between Bent Street and Rogers Street.
3. Fifty-five (55) feet: from the mid block between Bent Street and Rogers Street described in (2) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Rogers Street, which is approximately the mid block between Rogers Street and Binney Street.
4. Sixty-five (65) feet: from the mid block of Rogers Street and Binney Street described in (3) above to the centerline of Binney Street.

20.44.2 Maximum Height in that area between the centerline of Fulkerson Street and the centerline of the of the railroad right-of-way.

1. Thirty-five (35) feet: extension of the area described in Section 20.43.1, Paragraph (1) above westerly from the centerline of Fulkerson Street to the centerline of the railroad right of way.
2. Sixty-five (65) feet: from the centerline of Binney Street and the centerline of the railroad right-of-way to a line 100 feet distant from the northerly sideline of Binney Street and 100 feet from the northwesterly sideline of Fulkerson Street to the areas intersection with the area described in Paragraph (1) above.
3. Forty-five (45) feet: extension of the area described in 20.43.1, paragraph (2), above to its intersection with the northeasterly sideline of the area described in Paragraph (2) of this Section 20.43.2
4. Fifty-five(55) feet: extension of the area described in 20.43.1, paragraph (3), above to its intersection with the northeasterly sideline of the area described in Paragraph (2) of this Section 20.43.2

20.44.3 Maximum Height in that area between the centerline of the railroad right-of way and the centerline of Cardinal Medeiros Way.

1. Eighty-five (85) feet except as described in Paragraph (2) below.
2. Thirty-five (35) feet in that area bounded by the centerline of Binney Street, then the centerline of Medeiros Avenue; then the Residence C-1 zoning district line; then the centerline of the railroad right of way; then a line one hundred (100) feet distant from, parallel to, and southerly or easterly of the Residence C-2 zoning district line and the easterly sideline of Medeiros Avenue, to the point of origin.

20.44.4 Maximum Height in all areas having a base Residence C-1 zoning district.

1. Thirty-five (35) feet.
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- 20.44.5** Maximum Height at All Other Locations. At all other locations the maximum height permitted shall be the maximum height permitted in the base zoning district for residential uses
- 20.45** *Eastern Cambridge Design Guidelines.* In reviewing any special permit that may be required for development in the ECHO District, the permit granting authority shall find that the development is generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and the guidance provided in the Eastern Cambridge Design Guidelines. Any development permitted as-of-right is encouraged to be consistent with the Guidelines.
- 20.46** *Transfer of Development Rights.* Development capacity may be transferred from the areas designated within the ECHO District consistent with the regulations set forth in Section 20.30 of this Ordinance.
- 20.47** *Non-Conforming Uses.* Notwithstanding any provision of Article 8.000, in the Eastern Cambridge Housing Overlay District, any structure containing a non-conforming use may be altered or enlarged without limit as to percent of enlargement in order to accommodate expansion of that non-conforming use provided the structure or portion of the structure to be altered or enlarged is located within a non-residential base district and further provided that the structure will not be in further violation of the dimensional requirements of this Section 20.40 or any applicable base district.
- 20.50 HARVARD SQUARE OVERLAY DISTRICT AND HARVARD SQUARE HISTORIC OVERLAY DISTRICT**
- 20.51** *Establishment and Scope.* There is hereby established the Harvard Square Overlay District and the Harvard Square Historic Overlay District which shall be governed by the regulations and procedures specified in this Section 20.50. It is the intent of this section that these regulations will apply to an area described generally as the Harvard Square business district and certain abutting portions of the neighborhoods around it.
- 20.51.1** The Harvard Square Overlay District shall be that overlay district established on the Zoning Map of the City of Cambridge by Section 3.20. The Harvard Square Overlay District shall be that portion of the Harvard Square Overlay district that is encompassed by any historic district duly established by the City Council under the authority granted by the City of Cambridge by Chapter 40C of the General Laws of the Commonwealth of Massachusetts or any Neighborhood Conservation District established by the City Council under the provisions of chapter 2.78 of the Cambridge Municipal Code. All provisions of the Harvard Square Overlay District and all references to it in this Ordinance shall apply equally to the Harvard Square Historic Overlay District except as set forth below.
- 20.52** *General Purpose.* It is the purpose of this Section 20.50 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to the Harvard Square area. The regulations contained in said section provide for more careful public scrutiny of development proposals that may alter the established urban
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form of the Harvard Square area. These regulations are intended to channel the extreme development pressures in ways which will preserve and enhance the unique functional environment and visual character of Harvard Square; to mitigate the functional impacts of new development on adjacent residential neighborhoods; to maintain the present diversity of development and open space patterns and building scales and ages; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 20.52. The additional flexibility granted to development within the Harvard Square Historic Overlay District is intended to facilitate the protection and enhancement of the historic resources and character of Harvard Square while not unreasonably limiting the opportunities for appropriate contemporary changes to the built environment in the Harvard Square area.

20.53 *General Provisions*

20.53.1 The Harvard Square Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Article 19.40 except that any Large Project Review (new buildings of 2,000 square feet or more) shall be conducted by the Harvard Square Advisory Committee using procedures specified in Subsection 20.54.1 of this Section 20.50.

20.53.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances.

In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority or the Harvard Square Advisory Committee shall be guided by the objectives and criteria contained in the publication *Harvard Square Development Guidelines* [Document compiled from the *Guidelines for Development and Historic Preservation as contained in the Final Report of the Harvard Square Neighborhood Conservation District Study Committee*, dated November 29, 2000 and the *Harvard Square Development Guidelines*, 1986], in addition to the requirements of Sections 10.30 (Variances) and 10.40 (Special Permits) and this Section 20.50. These guidelines are also intended to assist in shaping any contemplated physical change within the Harvard Square Overlay District

20.53.3 *National Register and Contributing Buildings*

For the purposes of this Section 20.50 the following definitions shall apply:

1. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of the Department of the Interior.
2. A contributing building shall be:
 - a. Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of Interior; or

b. A building located outside a National Register District but identified as a contributing building in the *Harvard Square Development Guidelines*, Community Development Department, July 1, 1986.

However, a building shall no longer be considered a contributing building as defined in this Subsection 20.53.3(b) for the purposes of this Section 20.50 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

20.54 *Detailed Provisions*

20.54.1 Harvard Square Advisory Committee

There shall be established a Harvard Square Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

1. *Purpose.* It is the intent of this Subsection 20.54.1 that the Committee shall in its official actions fulfill the following purposes.

- a. To establish a formal, ongoing body that will review all major development actions in the Harvard Square Overlay District.
- b. To provide a forum within which a wide range of perspectives on development actions can be heard.
- c. To establish a citizen/professional body which can advise both public agencies and private interests as to the development and urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the Harvard Square Overlay District.

2. *Responsibilities.* The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within the Harvard Square Overlay District for review and comment. In addition, the Committee may comment on any preliminary proposal for which any public agency or private interest may wish to receive advice and recommendations.

3. *Procedures.*

- a. Within six (6) months preceding any application for (1) a building permit for any project subject to Large Project Development Consultation Review or (2) a special permit or variance for any project within the Harvard Square Overlay District, the graphic and other material required in Section 19.43.2 – Application for a Large Project Review shall be submitted to the Harvard Square Advisory Committee for their review and comment.
- b. Within thirty (30) days of that submittal, [or within up to sixty (60) days with the written consent of the applicant] the Committee shall prepare a written report of findings and recommendations with respect to the applicant's proposed project.

c. The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between the public and private objectives or which help to shape the project to better serve these objectives.

d. The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.

e. It is expected that, in making decisions regarding special permits and variances within the Overlay District, the Planning Board and/or Zoning Board of Appeal will give due consideration to the report and recommendations of the Advisory Committee. Where the Committee makes recommendations with respect to the granting of special permits and/or variances, and the Planning Board and/or Zoning Board of Appeal does not follow said recommendations, then the Board(s) shall make written reply to the Committee, detailing why the Board(s)'s decisions were different from the Committee recommendations.

f. The Community Development staff shall serve as staff to the Committee.

4. *Membership and Terms*

a. *Membership.*

(1) At least one member having recognized qualification as an architect or landscape architect.

(2) One member having recognized qualifications as real estate or development or financial expert.

(3) One member who operates a business within the Harvard Square Overlay District.

(4) Two members owning commercial property within the Harvard Square Overlay District.

(5) Five members representing residents of the five abutting Cambridge residential neighborhoods.

(6) One additional resident to be appointed with should serve at large.

(7) One member representing an institution owning institutional property in the Harvard Square Overlay District.

(8) One member representing the Cambridge Historical Commission.

b. *Terms.* Committee members shall be appointed for terms of three years each. Initial appointment shall, however, be staggered such that four members shall have terms of one year, five members shall have terms of two years, and four members shall have terms of three years each.

20.54.2 Building Height Limitations. The maximum height of buildings in the Harvard Square Overlay District shall be governed by the requirements of this Section 20.54.2; however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. *As of Right Height Limitations.* The maximum height of any building shall be sixty (60) feet.
2. *Special Permit for Additional Height.* The maximum allowable height in the Harvard Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board. If a Special Permit is issued portions of the building may extend to eighty (80) feet in height provided that those portions in excess of sixty (60) feet are set back from the street line at least ten (10) feet, and that those portions are also set back from one or more forty-five (45) degree sky exposure planes, unless otherwise permitted by the Planning Board. A forty-five (45) degree sky exposure plane shall be an imaginary inclined plane beginning fifty-five (55) feet above any streetline in the districts and rising over one or more lots at a forty-five (45) degree angle.
3. Notwithstanding the limitations of this Section 20.54.2 and Section 5.32 - Office Districts, footnote d; in an Office 2 district, the Planning Board may issue a special permit for additional height up to the maximum of eighty (80) feet permitted in the Overlay District within one hundred and twenty-five (125) feet of any residential district.

20.54.3 Retail, Business, and Consumer Service Establishments (Section 4.35) in Office and Residential Districts.

1. The Planning Board may allow by special permit the retail use of a lot or structure all or partially within the Harvard Square Overlay District and in a base residential or office district where retail uses are not permitted under the provisions of Section 4.30 - Table of Use Regulations; provided, however, that the following conditions are met or findings made:

- a. The general purposes of this Section 20.50 are met.
 - b. The use will be located in a structure in existence as of June 1, 1985 and will not involve significant new construction.
 - c. The addition of such use(s) will assist in the preservation, rehabilitation and/or restoration of a National Register or contributing building or important open space by increasing the economic feasibility of maintaining such features.
 - d. The preservation of the buildings and open space identified in (c) above is assured through an approved mechanism for the full period that the special permit is in force and effect.
 - e. The proposed use will preserve, rehabilitate or restore the outward appearance of the structure or open space.
 - f. In its operation the use will not, in impact, be significantly different from the uses permitted in the base district.
 - g. The use is completely contained within the structure.
 - h. The use will be patronized substantially by pedestrians and will, if required by the Planning Board, function adequately without additional off street parking or loading facilities and will in any case not generate vehicular traffic in quantity and type substantially different from that generated by permitted uses.
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i. The applicant can demonstrate a need for the use(s) as a service to adjacent residential communities or to the academic community and can demonstrate that for economic or other reasons the use cannot easily be located in existing business or office districts where the use is permitted. In addition the applicant must demonstrate that either the use has been displaced as result of redevelopment elsewhere in the Harvard Square Overlay District, or that the use is important in its contribution to the variety, continuity, or uniqueness of the Harvard Square Overlay District.

j. The retail use does not take the place of a residential or dormitory use.

k. The following uses listed in Section 4.35 are however specifically prohibited:

- 4.35e (Lunchroom, restaurant, cafeteria);
- 4.35f (Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided);
- 4.35g (Bar or other establishment where alcoholic beverages are sold and where dancing is provided);
- 4.35j (Mortuary, undertaking or funeral establishment);
- 4.35l (Veterinary establishment, kennel, pet shop);
- 4.35m (sales place for new and used cars);
- 4.35o (Fast Order Food Establishment);
- 4.35p (Massage establishment).

l. The proposed use is not located in a base Residence C-2B or Office 2 District.

2. In the Office 2 base district the provisions of Section 4.40 - Footnotes to the Table of Use Regulations, footnote 12, shall not apply in the Harvard Square Overlay District.

3. The conditions and required findings mentioned in this Section 20.54.3 are not severable, and if a court declares any such condition or required finding invalid, then this Section 20.54.3 shall cease to operate in its entirety, and no additional special permits shall be issued under its authority.

20.54.4 Parking and Loading Requirements. Uses in the Harvard Square Overlay District which meet the following requirements shall be exempt from the parking and loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

1. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or

2. The use is contained in a new structure or new addition to a structure identified in (1.) above, after the issuance of a special permit by the Planning Board provided:

- a. The total development authorized on the site is reduced to eighty (80) percent of the maximum permitted on the lot; or a cash contribution is made to the Harvard

Square Improvement Fund to be established by the City of Cambridge in an amount equal to fifty (50) percent of the cost of construction of the spaces not provided, said contribution to be used by the City of Cambridge for one or more of the following capital improvements in the Harvard Square Overlay District:

- (1) Provision of public parking, preferably for short term users;
- (2) Improvements to public parks, or restoration of historic structures, monuments and other features owned by the City of Cambridge or other public agency or a nonprofit organization;
- (3) Extension throughout the Harvard Square Overlay District of the surface improvements installed by the MBTA as part of the Red Line subway extension (brick sidewalks, light post, street furniture, etc.)

The Harvard Square Advisory Committee shall receive and make comments on any proposal for the expenditure of such cash contributions. To the extent practicable the provision of public parking facilities shall be the first priority of any expenditure. The funds shall not be used for ordinary maintenance activities normally undertaken by the City of Cambridge.

The value of the cash contribution shall be determined by the Community Development Department assuming equivalent structured parking spaces and using generally accepted cost estimation methods customarily used by architects and engineers or using actual construction costs for comparable contemporary parking construction in Cambridge.

b. The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met).

c. The Planning Board shall specifically find that an exemption from parking and loading requirements will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that it is in conformance with the objectives and criteria contained in *Harvard Square Development Guidelines*.

d. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

e. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

- 20.54.5** Building Setbacks. Maintenance of the Harvard Square Overlay District's positive diversity of building form and scale and its variety of open spaces, yards and courtyards is encouraged throughout the District. It is therefore desirable to permit design flexibility to allow any physical change in the District to reflect the character of the area within which it is located. To this end any building in the Harvard Square Overlay District shall be exempt from the yard requirements as specified in Section

5.30, (except where such yard abuts a lot, but not a public way, outside the Overlay District) if the following conditions are met:

1. The building existed as of December 15, 1985 or a building permit had been issued by that date, or
2. For any new building in any Business, Office or Residence C-3 base-zoning district, for which a building permit is issued after December 15, 1985, the Planning Board issues a Special Permit exempting the building from yard requirements provided:
 - a. The design of the new structure shall be in conformance with the objectives and criteria contained in *Harvard Square Development Guidelines*.
 - b. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and
 - c. No National Register or contributing building previously existed on the site in the preceding five (5) years and which has been so altered as to terminate or preclude its designation or demolished prior to the application.

20.54.6 Maximum Ratio of Floor Area to Lot Area (FAR) in the Harvard Square Historic Overlay District.

Notwithstanding the FAR limits set forth in Article 5.000 or elsewhere in this Ordinance, the maximum FAR applicable in the Harvard Square Historic Overlay District shall be as follows: Business B district: 4.0 for all uses except dwellings, 3.0 for dwellings; Office 3 district: 3.0 for all uses; Office 2 district: 2.0 for all uses; Residence C-3 district: 3.0 for all uses; Residence C-2B district: 1.75 for all uses; Residence C-1 district: 0.75 for all uses; Business A district: 1.0 for all uses except dwellings, 1.75 for dwellings.

20.55 *Sign Regulations in the Harvard Square Historic Overlay District*

20.55.1 All provisions of Article 7.000 shall apply in the Harvard Square Historic District, except as modified below. It is the intent of these modifications to allow greater flexibility in the size, location and illumination of signs in order to encourage more thoughtful design of individual signs, to encourage greater respect for the building and visual context within which new signs are erected, and thereby add interest and character to the shopping environment in Harvard Square.

1. In Section 7.16.22 – Signs in all Business, Office and Industrial Districts, Paragraphs A, B, and C shall not apply in office and business base districts. However, no sign on the outside of a building may extend higher than 20 feet above grade.
2. In Section 7.16.3 – Application of the Sign Frontage Formula shall not apply.
3. In the Residence C-2B base district the provisions of Section 7.16.22 shall apply to permitted or legally established nonconforming office and retail uses.

20.60 PARKWAY OVERLAY DISTRICT

- 20.61** *Establishment and Scope.* There is hereby established a Parkway Overlay District which shall be governed by the regulations specified in this Section 20.60. Within this parkway district is also a subdistrict to be referred to as the Concord Avenue Parkway Subdistrict. It is the intent of this section that these regulations will apply to areas of the city where development is likely to occur near major public open space connectors, especially arterial roadways that could provide such connections.
- 20.62** *Purpose.* It is the purpose of this Section 11.60 to augment base zoning regulations in designated areas in order to create unified identifiable images of designated areas, to enhance public safety by reducing visual confusion and haphazard development, to encourage development which will protect and enhance the use and enjoyment of public open space resources. The Parkway Overlay District has been designated specifically for the areas adjacent to arterial roadways located in parklike settings such as the Fresh Pond Reservation. To more fully implement these objectives for a portion of the Parkway Overlay District that includes the Fresh Pond Reservation, this article includes special provisions for the “Concord Avenue Parkway Subdistrict,” which is defined in section 20.69 and is subject to the provisions of that section, as well as the provisions generally governing the Parkway Overlay District. The terms “the district” or “said district” or “the Parkway Overlay District” shall mean both the Parkway Overlay District and the Concord Avenue Subdistrict, unless specifically noted otherwise.
- 20.63** *Applicability.* The Parkway Overlay District shall be an overlay district on the zoning map established by Section 3.20. The Concord Avenue Parkway Subdistrict shall also be shown on the map established by Section 3.20.
- 20.63.1** The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning districts, except as modified by the requirements of this Section 20.60 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from requirements of this Section 20.60, the stricter provisions shall apply.
- 20.63.2** The requirements of this Section 20.60 shall not apply to Planned Unit Development proposals filed, reviewed and regulated by Articles 12.000 and 13.000; however, said requirements shall apply to other development proposals in a PUD district.
- 20.63.3** The requirements of this Section 20.60 shall not apply to lots containing one family, two family or three family residences as principal uses.
- 20.63.4** The requirements of this Section 20.60 shall not apply to construction activities incidental to emergency repairs of public utility facilities.
- 20.63.5** In reviewing applications for any special permit in the Parkway Overlay District, the Planning Board shall consider compliance with the requirements specified in this Section 20.60, the recommendations made in the Cambridge Community Development Department's 1979 report entitled *Alewife Revitalization*, and the criteria specified in Section 10.43.
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20.63.6 Developments that must obtain a special permit under any section of the Zoning Ordinance shall be exempt from the Development Consultation Procedures mandated by Subsection 20.69. Compliance with the regulations and guidelines for the Parkway Overlay District shall be considered in the context of the special permit review.

20.63.7 The development standards specified in this Section 20.60 shall apply to all development within the Parkway Overlay District not exempted by subsections 20.63.2, 20.63.3, and 20.63.4. Divergence from these standards may be allowed only by issuance of a special permit from the Planning Board as specified in Subsection 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.60 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

20.64 *Dimensional Standards in the Parkway Overlay District*

20.64.1 *Front Yards.* Front yards should be of sufficient size and appropriately landscaped so as to increase public safety and to positively contribute to the visual and environmental quality of the district. Therefore the following standards shall apply:

1. The minimum front yard setback for the principal front wall plane for any structure shall be twenty-five (25) feet measured from the street line. For corner lots, only the front yard oriented toward Concord Turnpike, Alewife Brook Parkway, Concord Avenue, or Fresh Pond Parkway shall be required to provide this setback. The other front yard shall satisfy the minimum setback specified in Section 5.30 for the base zoning district.
2. Required front yards shall consist entirely of Green Area Open Space as defined in Article 2.000 with the exception of paving necessary for vehicular access. Such paved access area shall be limited to one 24-foot driveway for each one hundred (100) feet of lot frontage or fraction thereof.
3. Front yards shall contain at least one three (3) inch caliper tree for every twenty-five (25) linear feet of street frontage.
4. Front yards may contain fences along front and side lot lines in accordance with the provisions of Subsection 20.65.

20.64.2 *Maximum Building Height.* The transition from public open spaces to private development should not be abrupt. Therefore, the maximum height of the principal front wall plane of buildings in the Parkway Overlay District shall be fifty-five (55) feet. Portions of buildings may be allowed to extend to eighty-five (85) feet in height provided that those portions in excess of fifty-five (55) feet are set back from the principal front wall plane at least ten (10) feet and that those portions also set back from one or more sixty (60) degree building bulk control planes.

20.64.3 *Building Facades.* Building facades should be designed so as to enhance the visual quality of the district. The following standards shall apply:

1. Principal building entrances shall face the parkways and boulevards which serve to define the district.
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2. Building facades and rooflines shall be articulated and expanses of unbroken wall planes shall be limited to thirty-five (35) linear feet for those facades facing public open space and/or public roadways.

3. Ground floor levels shall include a minimum of thirty (30) percent transparency to enliven and enrich the public environment.

20.65 *Fences.* In order to maintain a feeling of openness, to facilitate pedestrian enjoyment and use, and to maximize scenic views, fences along the front and side lot lines shall comply with the following standards:

1. No fence along a front or side lot line and within twenty-five (25) feet of a public right of way shall be more than four (4) feet in height from the curb level of the street or more than thirty (30) percent opaque.

2. Chainlink and wire fences are prohibited.

20.66 *Parking Standards.* Development in the Parkway Overlay District shall conform to the Off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 20.66.

20.66.1 *Curb Cuts.* Only one curb cut of a maximum of forty (40) feet shall be permitted per one hundred (100) linear feet of street frontage in the Parkway Overlay District. Wherever possible, curb cuts should be on local streets rather than arterial roadways and in no case shall a curb cut be allowed within one hundred (100) feet of an intersection unless the lot contains less than one hundred and twenty-five (125) feet of street frontage.

20.66.2 *Siting of Parking Areas.* Parking areas, whether accessory or nonaccessory, shall not be located in the front yard required for any lot in the district. Enclosed parking facilities are encouraged. On grade, open area parking areas shall be located behind the building or buildings served or arranged in such a way as to minimize their visibility from public ways.

20.66.3 *General Landscaping of On Grade, Open Parking.* Landscaping of parking areas in the district should help to ensure public safety, moderate the microclimate and minimize noise, glare and the unsightly intrusion of automobiles and unbuffered hard surfaces in the area of public open space. Therefore, any on grade open parking area for ten (10) or more cars shall be required to meet the following landscaping standards:

1. On grade, open parking areas shall be arranged and landscaped to properly screen cars from public rights of way and pedestrian ways. Such screening shall consist of a fence or wall not less than fifty (50) percent opaque and not less than four (4) feet in height.

2. At least ten (10) percent of the area devoted to on grade open parking shall be landscaped. The area devoted to on grade open parking shall be that portion of the lot containing parking spaces, driveways and landscaped area located between or adjacent to parking spaces and drives. No portion of the lot required

as a setback between parking spaces and a building or lot line shall be counted in computing the ten (10) percent landscape requirement.

3. Each landscape area shall have minimum dimensions of three (3) feet.

4. Landscaped areas at least six (6) feet in width shall be used to divide parking areas into bays of not more than twenty (20) spaces. Such landscaped areas may be counted as part of the ten (10) percent required landscaped area.

20.66.4 Trees for Landscaping On grade, Open Parking Areas. The landscaping necessary to meet the standards specified in Subsection 20.66.3 shall include trees as follows:

1. For every ten (10) on grade, open parking spaces or fraction thereof, there shall be a minimum of one 3-inch caliper tree located within the area devoted to on grade parking.

2. The trees required for the landscaping of on grade, open parking areas - whether such trees are coniferous or deciduous, flowering or nonflowering - should be tolerant to urban environmental conditions, able to screen parking areas by virtue of their size, form, density of foliage and spread, and easy to maintain. A suggested list of trees which meet these criteria is listed in Subsection 11.16.4 of this Ordinance.

3. Standards of Tree Protection

a. Each tree planted in a paved area shall have minimum of fifty (50) square feet of porous surface area surrounding the tree.

b. Trees which are planted along roadways or in parking lots shall be protected by a curbed planter strip or by precast concrete curbs or railroad ties or by suitably designed concrete, steel or wood bollards placed at least four feet (4') from the tree.

20.67 *Mechanical Equipment and Refuse Storage Areas.*

1. No refuse storage areas nor mechanical equipment areas shall be located in a front yard within the district. Such areas shall be screened from view from street and parking areas, residential districts, open space areas, and designated parkways by a six (6) foot high durable nonliving barrier (or earth berm) planted with at least one shrub or vine for each ten (10) feet of barrier towards the abutting property.

2. Mechanical equipment on the roof of any building shall be permanently screened from view from the ground or other buildings in the area.

20.68 *Development Consultation Procedure.* The Parkway Overlay District shall be considered an area of special planning concern. Except as modified by Subsection 20.68.1, development proposals listed in Subsection 19.42 shall be subject to the development consultation procedure.

20.68.1 Development proposals requiring a special permit or exempted under Subsections 20.63.2, 20.63.3, or 20.63.4 shall not be subjected to the development consultation procedure.

20.68.2 Subsection 19.43.1 notwithstanding, only exterior building alterations increasing gross floor area by one thousand (1000) square feet or more shall be subject to the development consultation procedure.

20.68.3 Subsection 19.42.1(4) notwithstanding, only construction of ten (10) or more parking spaces shall be subject to the development consultation procedure.

20.69 *Concord Avenue Parkway Subdistrict*

For the purposes of providing additional protection to a portion of Concord Avenue that abuts the Fresh Pond Reservation and which serves as a gateway to Cambridge, this section hereby creates a "Concord Avenue Parkway Subdistrict" within the Parkway Overlay District. The subdistrict is that portion of the Parkway Overlay District along Concord Avenue that is bounded on the west by the dividing line between the Residence B district and the Office 2 district, and is bounded on the east by the dividing line between the Business C district and the Office 2 district. This subdistrict includes the following parcels as shown on The City of Cambridge GIS Maps: map 267D, parcels numbers 323, 282, 327, 328, 289, 259, 304, 284, 300, 316, 307, 28/5, 287, 286, 291, 310, and 311; Map 267F, parcels 293, 274, and 301, and includes, but is not necessarily limited to, the following street address on Concord Avenue: 795, 777, 775, 773, 769, 763, 745, 737, 729, 725, 711, 701, 689, 681, 675, 665, 655, 653, 651, 650, 647, 645, 641, 625, 617, 603, and 591.

20.69.1 Notwithstanding any other provisions in either the Parkway Overlay District and/or the base zoning district, the maximum height for any building or structure within Concord Avenue Parkway Subdistrict shall not exceed fifty (50) feet.

20.69.2 Notwithstanding any other provisions in either the Parkway Overlay District and/or the base zoning district, any building within the Concord Avenue Parkway Subdistrict greater than twenty-five thousand (25,000) square feet in floor area shall require a special permit under this paragraph. When determining whether to grant a special permit under this paragraph, the Planning Board shall require compliance with the following criteria, in addition to the general special permit criteria set forth in section 10.43:

1. New buildings shall be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.
2. New buildings should be in harmony with the purposes of the Parkway Overlay District as specified in Section 20.62, which are to create unified identifiable images of designated areas, to enhance public safety by reducing visual confusion and haphazard development, and to encourage development which will protect and enhance the use and enjoyment of public open space resources.

20.70 FLOOD PLAIN OVERLAY DISTRICT

- 20.71** *Purpose.* It is the purpose of this Section 20.70 to protect the health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, to preserve and maintain the ground water recharge areas within the flood plain, and to provide a mechanism for a comprehensive review of development in the Flood Plain Overlay District and the design and location of flood water retention systems and their relationship to other surrounding development.
- 20.72** *Establishment and Scope.* There is hereby established a Flood Plain Overlay District which shall be governed by the regulations specified in this Section 20.70. The Flood Plain Overlay District includes all special flood hazard areas designated as Zone A, A1-30 on the *Cambridge Flood Insurance Rate Map (FIRM)*, and the *Flood Plain Boundary and Floodway Map*, dated July 5, 1982, or any amendment thereto, on file with the City Clerk, Superintendent of Buildings, Community Development Department, and the Federal Emergency Management Agency. These maps as well as the accompanying *Cambridge Flood Insurance Study* dated January 5, 1982, or any amendment thereto are incorporated herein by reference.
- 20.73** *Applicability.* No structure or building shall be erected, constructed, expanded, substantially improved, or moved and no earth or other materials shall be dumped, filled, excavated, transferred or otherwise altered in the Flood Plain Overlay District unless a special permit is granted by the Planning Board.
- 20.73.1** A special permit shall not be required for any activity detailed in 20.73 above on individual lots containing one, two, or three family dwellings in existence as of July 5, 1982 or for the demolition of an existing structure. Nevertheless all other requirements of this Section 20.70 (and especially those criterion detailed in Subsection 20.75) shall be met as applicable.
- 20.74** *Procedure.* Application for a special permit shall be made on a form prescribed by the Board. In addition to the information required for the submittal, the applicant shall also present the following:
1. A detailed landscape plan drawn to a scale of one inch equals twenty (20) feet showing the elevation and design of flood water retention systems as required by applicable law;
 2. Base flood elevation data, where the base flood elevation is not provided on the FIRM;
 3. Certification and supporting documentation by a Massachusetts registered professional engineer demonstrating that such encroachment of the floodway as specified above in Subsection 20.73 shall not result in any increase in flood levels during the occurrence of the 100-year flood; and
 4. Four (4) copies of all application materials.
- 20.74.1** Upon receipt of the application and development plans, the Planning Board shall transmit copies of the plans to the Conservation Commission and the City Engineer.
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Within forty-five (45) days of receipt of the plans, the Conservation Commission and the City Engineer shall review said plans and submit their respective reports and recommendations to the Planning Board. The Planning Board shall not render any decision on an application for a special permit for development in the Flood Plain Overlay District until said reports have been received and considered or until the forty-five (45) day period has expired without the receipt of such report, whichever is earlier.

20.75 *Criteria.* The Planning Board shall grant a Special Permit for development in the Flood Plain Overlay District if the Board finds that such development has met all of the following criteria in addition to other criteria specified in Section 10.40:

1. No filling or other encroachment shall be allowed in Zone A areas or in the floodway which would impair the ability of these special flood hazard areas to carry and discharge flood waters, except where such activity is fully offset by stream improvements such as, but not limited to, flood water retention systems as allowed by applicable law.
2. Displacement of water retention capacity at one location shall be replaced in equal volume at another location on the same lot, on an abutting lot in the same ownership, on a noncontiguous lot in the same ownership, or in accordance with the following requirements.
3. All flood water retention systems shall be suitably designed and located so as not to cause any nuisance, hazard, or detriment to the occupants of the site or abutters. The Planning Board may require screening, or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.
4. The proposed use shall comply in all respects with the provision of the underlying zoning district, provisions of the State Building Code, State Inland Wetland Act, and any other applicable laws.
5. Applicants for development in the Alewife Revitalization area shall be familiar with the *Alewife Urban Design Study Phase II*, April 1979, and shall demonstrate how their plan meets the spirit and intent of such study, particularly "Appendix One, District Development Policies", in conjunction with the requirements of this Section 11.70 Flood Plain Overlay District.
6. The requirement of Section 20.74(3) has been met.

20.76 *Development Regulations for mobile homes.* The following development regulations apply to the placement of mobile homes within special flood hazard areas designated as Zone A1-30 on the FIRM, in addition to other requirements of this Section 20.70. All mobile homes shall provide that:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; and
2. Adequate surface drainage and access for a hauler are provided.

20.76.1 The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, are prohibited in the floodway.

- 20.77** *Setback Exemptions.* Any required flood water retention systems or related facilities may be permitted to extend into required yard setbacks if deemed appropriate by the Planning Board.
- 20.78** *Emergency Repairs.* The special permit required in this Section 20.70 shall not apply to emergency repairs or projects necessary for the protection of the health, safety or welfare of the general public which are to be performed or which are ordered to be performed by a city agency, or the commonwealth, or a political subdivision thereof. In no case shall any filling, dredging, excavating, or otherwise extend beyond the time necessary to abate the emergency.
- 20.79** Any development activity requiring a special permit from the Planning Board under other provisions of this Zoning Ordinance shall incorporate the requirements of this Section 20.70 within the scope of that special permit and shall not require separate application to the Planning Board.

20.80 MEMORIAL DRIVE OVERLAY DISTRICT

- 20.81** *Establishment and Scope.* There is hereby established the Memorial Drive Overlay District which shall be governed by the regulations and procedures specified in this Section 20.80. It is the intent of this section that these regulations will apply to that area abutting Memorial Drive that lies between the Drive and the residential neighborhoods beyond and that has a non-residential or medium to high density residential base zoning designation.
- 20.82** *Purpose.* It is the purpose of this Section 20.80 to augment base zoning regulations in the District in order to create a more harmonious and consistent character for the development along Memorial Drive and where such development faces or abuts low density neighborhood residential districts; to encourage good building design and site development that enhances amenities available to pedestrians walking along Memorial Drive and the Charles River waterfront; and where commercial uses and higher density residential development abut residential neighborhoods, to ensure that physical changes within the Overlay District are compatible with the scale and character of the abutting neighborhoods; to encourage the retention of existing buildings of historic value; to encourage uses that will serve needs of residents of abutting neighborhoods or those persons enjoying the open space amenities along the Charles River; and to discourage new development inappropriate in both scale and design.
- 20.83** *Applicability.* The Memorial Drive Overlay District shall be an overlay district on the zoning map established by Section 3.20.
- 20.83.1** The building and land uses within the Memorial Drive Overlay District shall be regulated by the provisions of the applicable base zoning district except as modified by the requirements of this Section 20.80, which shall apply in addition to regulations imposed by the base zoning district designations. Where the base zoning regulations differ from the requirements of this Section 20.80 the stricter provisions shall apply, unless a Special Permit is issued by the Planning Board pursuant to Article 20.88.
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20.84 *Dimensional Standards in the Memorial Drive Overlay District*

20.84.1 Maximum Height. The maximum height of any structure in the Overlay District shall be permitted in the applicable base zoning district, except as provided below. Lots abutting Memorial Drive may be subject to further height limitations imposed by Chapter 91 of the Massachusetts General Laws.

20.84.2 For that portion of the Overlay District located north of the centerline of River Street and within ninety (90) feet of Blackstone Street the maximum height shall be forty-five (45) feet where the base district permits heights greater than thirty-five (35) feet.

20.84.3 Minimum Required Front Yard Abutting Memorial Drive. The minimum required front yard for that portion of a lot abutting Memorial Drive shall be twenty-five (25) feet.

20.85 *Restrictions in Required and/or Provided Setbacks.*

20.85.1 That area between the principal wall plane of a building and a public street or public park, whether required or provided, shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, a park, or other landscaped or paved area devoted exclusively to pedestrian and bicycle use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives leading directly to parking facilities located elsewhere on the site, which drives shall be limited as follows:

1. A maximum of one two-way access drive (and curb cut) or two one-way access drives (and curb cuts) from Memorial Drive per lot shall be permitted. The access drive shall not exceed thirty (30) feet in width in non-residential districts for a two-way drive or fifteen (15) feet in width for a one-way drive, and twenty (20) feet in width in residential districts for two-way drives and fifteen (15) feet in width for a one-way drive.
2. For portions of lots abutting other streets, a maximum of one access drive (and curb cut) shall be permitted per street, or one access drive (and curb cut) for each four hundred (400) feet of lot frontage, whichever is greater. If only one access drive is provided on a lot, it shall be located on the most minor street according to the hierarchy set forth in Section 20.87.1 below. Each access drive shall not exceed thirty (30) feet in width in non-residential districts and twenty (20) feet in residential districts.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian and bicycle uses shall be located at mean grade of abutting public street or open space at the property line unless an exception is granted under the provisions of Section 20.88 below. Nothing in this Section 20.85.1 shall prohibit customary landscape features, elements and grading that may vary the grade of the required setback above that of the adjacent street or park provided the setback remains essentially at grade.

Where the lot abuts more than two streets, the provisions of this Section 20.85.1 shall apply to no more than two streets. The two streets to which this Section shall apply shall be determined by the street hierarchy set forth in Section 20.87.1 below.

20.85.12 Notwithstanding the provisions of Section 20.85.1 above or any provision of Article 6.000, any on grade open parking facility shall be set back from front lot line by at least ten (10) feet. Such setback shall be landscaped as required in Section 20.85.1 above.

20.86 *Use Provisions.*

20.86.1 Use Restrictions. The ground (first) floor of that portion of a building facing a public street or public park, and located within seventy-five (75) feet of that public street or park, shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), Retail Business (Section 4.35), Institutional (4.33), but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
2. The use shall have a minimum depth of twenty (20) feet;
3. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.
4. The use is permitted in the applicable base zoning district or otherwise permitted in this Section 20.80.

20.86.11 The food service establishments permitted in the Office 2 district, pursuant to the provisions of Section 4.40, Footnote 12, shall be subject to the provisions of Section 20.86.2 below. Where the provisions of the two sections differ, the more restrictive shall apply.

20.86.2 Additional Permitted Uses. In any office the following retail uses shall be permitted by Special Permit from the Planning Board: Store for retail sale of merchandise, Section 4.35a, Lunchroom, restaurant, cafeteria, Section 4.35e; establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided, Section 4.35f. Such uses shall be intended to provide services to the abutting residential neighborhoods or to persons making use of the open space recreational amenities of the Charles River waterfront and its constituent parks. Such retail uses shall be subject to the following limitations and conditions.

1. The retail use shall be located on a lot that abuts Memorial Drive.
 2. The principal entrance to the retail use shall be on Memorial Drive.
 3. The total Gross Floor Area on the lot devoted to retail uses permitted in this Section 20.86.2 shall not exceed five thousand (5,000) square feet.
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4. No additional accessory parking shall be provided for the retail use unless specifically authorized by the Planning Board. The accessory parking requirements for these uses otherwise specifically required in Article 6.000 in herein specifically waived.
5. The use shall be located in a building principally containing uses otherwise permitted in the office or residential district.

20.87 *Design Standards*

20.87.1 Building Facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrians and compatible with the residential neighborhoods in close proximity to the District. The following standards shall apply:

1. A principal, publicly accessible building entrance shall be located on the building façade facing the principal street the lot abuts. Where a building abuts more than one street, a principal, publicly accessible building entrance on each street is encouraged but only one shall be required. That entrance shall face the most important street as determined by the following hierarchy (most important street to the least important street): Memorial Drive, River Street, Putnam Avenue, Pleasant Street, Magazine Street, Blackstone Street and Riverside Road. A principal, publicly accessible entrance serving a separate ground floor establishment shall be deemed to meet the requirements of this paragraph. Nothing in this Paragraph 1 requires generally public access to a building or facility that is customarily accessible to only the inhabitants of the building, its guests and customers.
2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts the street.
3. Facades facing a public street or a public park, designated city landmark building or a building in a local historic district or neighborhood conservation district that is located on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for each separate façade facing a street park or building. That clear-glass requirement shall be increased to fifty (50) percent on the ground floor where retail and office uses are established. However, where a retail establishment abuts more than one street, park or building, only the façade facing the principal street (as set forth in Paragraph 1 above) shall be required to meet the 50% requirement.

20.88 Divergence from the standards specified in Sections 20.84 – 20.87 may be allowed by issuance of a Special Permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will still serve the objectives of this Section 20.80 and that proposed development is consistent with the Section 19.30 – Urban Design Objectives.

In recognition of the preservation, enhancement or creation of the Memorial Drive Overlay District Objectives, the Planning Board may, by Special Permit, allow a reduction in the required front yard setback, on any lot abutting Memorial Drive with an existing building exceeding one hundred and twenty (120) feet, to a minimum of five (5) feet with the exception of Memorial Drive, where it may, by Special Permit, allow the reduction in required minimum setback to fifteen (15) feet.

The Planning Board may also, or instead, waive the base zone height limit for any lot abutting Memorial Drive with an existing building exceeding one hundred and twenty (120) feet, by Special Permit, allowing height up to one hundred and twenty (120) feet.

- 20.89** The required yards, permitted Gross Floor Area (GFA) and permitted height for structures in existences as of July 1, 2004 shall be those yards, GFA, or height existing at that time and shall be deemed conforming for the purpose of applying the nonconforming provisions of Article 8.000. Otherwise, for any other provision of the Zoning Ordinance and for any new construction, the dimensional requirements of this Section 20.80 and any applicable base zoning district shall apply.
- 20.810** *Special Gross Floor Area Provisions in the Office 2 and Business A Districts.* In order to facilitate the rehabilitation of the parkway character of Memorial Drive within the Overlay District, additional Gross Floor Area for residential uses (Section 4.31, Paragraphs a-h) shall be permitted. That additional Gross Floor Area shall be above the Floor Area Ratio limit otherwise set in the applicable base zoning district, subject to the issuance of a Special Permit from the Planning Board and subject to the following conditions and limitations. The additional floor area is intended as an incentive to encourage the construction of additional housing to replace existing automobile-oriented retail uses and site improvements abutting the Drive or the residential neighborhood edge, which have produced an unsightly environment of parking lots, parking garages, driveways, garish signs and featureless facades.
- a. These provisions shall only apply to a lot, abutting Memorial Drive, in existence as of July 1, 2004.
 - b. Up to a maximum of fifty thousand (50,000) square feet of additional GFA shall be permitted subject to the following limitations:
 - i. Where development on the lot is at, or exceeds, the maximum GFA permitted on the lot as determined by the existing mix of uses on the lots and the applicable base zoning district regulations (exclusive of any bonus GFA permitted in Section 11.200) as of July 1, 2004, a total of fifty thousand (50,000) square feet shall be permitted for additional residential development.
 - ii. Where additional GFA is available on the lot under the provisions of the applicable base zoning district (exclusive of any bonus GFA permitted in Section 11.200) as of July 1, 2004, only that portion of the fifty thousand (50,000) square feet that exceeds the GFA otherwise available on the
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lot (exclusive of any bonus GFA permitted in Section 11.200) shall be permitted.

- c. The new residential construction shall conform to the Overlay District and any applicable base district regulations with the exception of the GFA limitations imposed in the applicable base zoning district.
- d. In granting the Special Permit the Planning Board shall find that the additional GFA proposed can be reasonably accommodated on the site without significant negative traffic, environmental or other similar impacts while at the same time significantly improving the impact of all development on the site, particularly along Memorial Drive and the residential neighborhood edge.

Among the visual and urban design improvements demonstrating such improvement are:

- i. The elimination of curb cuts on Memorial Drive;
- ii. The provisions of landscaping in lieu of parking, driveway and other vehicular paving between the buildings on the site an Memorial Drive or the abutting neighborhood edge;
- iii. The elimination of visually intrusive auto-oriented uses such as gas stations etc.
- iv. The introduction of building facades that relate positively to the Drive or the abutting neighborhood with ample amounts of glass, places of pedestrian entry etc.
- v. The screening of automobile-oriented areas, such as parking garages, with active uses.

20.811 The Memorial Drive Overlay District shall be considered an area of special planning concern subject to the provisions of section 19.40.

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

20.101 *Establishment and Scope.* There is hereby established the Massachusetts Avenue Overlay District which shall be governed by the regulations and procedures specified in this Section 20.100. It is the intent of this section that these regulations will apply to the area described generally as Northern Massachusetts Avenue and certain abutting portions of the neighborhood abutting it.

20.102 *Purpose.* It is the purpose of this Section 20.100 to augment base zoning regulations in the District in order to create a more harmonious and consistent image for the development along the Avenue and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the Avenue, to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, to encourage the retention of existing

buildings of historic value and uses which serve the abutting neighborhoods, and to discourage new development inappropriate in both scale and design.

20.103 *Applicability.* The Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established by Section 3.20.

20.103.1 The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of this Section 20.100 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from the requirements of this Section 20.100 the stricter provisions shall apply.

20.104 *Dimensional Standards in the Massachusetts Avenue Overlay District.*

20.104.1 Maximum Height. The maximum height of any structure in the Overlay District shall be sixty (60) feet or the height applicable in the base district, whichever is less.

20.104.2 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are three (3) feet or less in depth and further provided that the following conditions are met:

a. The maximum width of the projection does not exceed six (6) feet in length;

b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.

20.105 *Restrictions in Required and/or Provided Setbacks.* That area between the principal wall plane of a building and a public street or public park whether required or provided shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, park, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives to parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of the relevant public street or open space at the property line unless an exception is granted under the provisions of Section 20.108 of this Section 20.100.

20.106 *Use Restrictions.* The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), but specifically excluding

Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
2. The use shall have a depth of at least twenty (20) feet;
3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.
4. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

20.107 *Design Standards*

20.107.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply:

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue;
2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street;
3. Facades facing a public street, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

20.108 Divergence from the standards specified in Sections 20.105 - 20.107 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.100 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by *Northern Massachusetts Avenue Urban Design Guidelines* and other such guidelines as may be established for this portion of Massachusetts Avenue. This Section 20.108 is intended for variations from the standards which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

20.109 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern.* Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review Procedure, in the Massachusetts Avenue Overlay District the Large Project Review Procedure shall apply to any development proposal containing more than two thousand (2,000) square feet of Gross Floor Area but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.

20.110 *Nonconforming structures.* Notwithstanding the provisions of Section 8.23, that portion of a legal, nonconforming structure lying within the Massachusetts Avenue Overlay District which is destroyed or damaged by fire, explosion, or other catastrophe may be rebuilt or restored and used again, in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

1. Any restoration or rebuilding shall commence within twelve (12) months after the catastrophe;
2. The structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the original design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;
3. The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

With respect to the comparability of newly designed buildings, the Community Development Department shall consult the Cambridge Historical Commission for structures greater than fifty (50) years old. Should the Community Development Department find that said conditions have not been met the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no aspect increase the nonconforming nature of the original structure; nothing in this Section 20.110, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

20.300 CENTRAL SQUARE OVERLAY DISTRICT

20.301 *Establishment and Scope.* There is hereby established the Central Square Overlay District which shall be governed by the regulations and procedures specified in this Section 20.300. It is the intent of this section that these regulations will apply to a single area described generally as the Central Square business district and certain abutting portions of the neighborhoods around it.

20.302 *General Purpose.* It is the purpose of this Section 20.300 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to

Central Square. The regulations in said section provide for more careful public scrutiny of development proposals that may alter the established urban form of the Central Square area. These regulations are intended to channel the extreme development pressures in ways which will preserve and enhance the unique functional environment and visual character of Central Square; to mitigate the functional impacts of new development on adjacent residential neighborhoods; to maintain the present diversity of development and open space patterns and building scales and ages; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.300.

20.303 *General Provisions.*

20.303.1 The Central Square Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedures specified in Article 19.000 except that any Large Project Review (new buildings of two thousand (2,000) square feet or more shall be conducted by the Central Square Advisory Committee using procedures as specified in Subsection 20.304.1 of this Section 20.300.

20.303.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances.

In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority or the Central Square Advisory Committee shall be guided by the objectives and criteria contained in the publication "*Central Square Action Plan*", City of Cambridge, November 1987, and "*Central Square Development Guidelines*", July 1989, in addition to the requirements of Section 10.30 - Variances, 10.40 - Special Permits, and Subsection 20.305 of this Section 20.300. These guidelines are also intended to assist in shaping any contemplated physical change within the Central Square Overlay District.

20.303.3 National Register and Contributing Buildings.

For the purpose of this Section 20.300 the following definitions shall apply:

1. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.
 2. A contributing building shall be
 - a. Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or
 - b. A building located outside a National Register District but identified as a contributing building in the *Central Square Development Guidelines*.
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However, a building shall no longer be considered a contributing building as defined in this Subsection 20.303 (2) for the purpose of this Section 20.300 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

20.304 *Detailed Provisions.*

20.304.1 Central Square Advisory Committee. There shall be established a Central Square Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

1. *Purpose.* It is the intent of this Subsection 20.304.1 that the Committee in its official actions fulfils the following purposes.

- a. To establish a formal, ongoing body that will review all major development actions in the Central Square Overlay District.
- b. To provide a forum within which a wide range of perspectives on development actions can be heard.
- c. To establish a citizen/professional body which can advise both public agencies and private interests as to the development and urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the Central Square Overlay District.

2. *Responsibilities.* The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within the Central Square Overlay District for review and comment. In addition, the Committee may comment on any preliminary proposal, for which any public agency or private interest may wish to receive advice and recommendations.

3. *Procedures.*

- a. Within the six (6) months preceding any application for (1) a building permit for any project subject to a Large Project Development Consultation Review or (2) a special permit or variance for any project within the Central Square Overlay District, the graphic and other material required in Section 19.43 - Large Project Review Procedure shall be submitted to the Central Square Advisory Committee for their review and comment.
- b. Within thirty (30) days of that submittal, (or within up to sixty (60) days with the written consent of the applicant) the Committee shall prepare a written report of findings and recommendations with respect to the applicant's proposed project.
- c. The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between public and private objectives or which might help to shape the project to better serve these objectives.

d. The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.

e. It is expected that, in making decisions regarding special permits and variances within the Overlay District, the Planning Board and/or Board of Zoning Appeal will give due consideration to the report and recommendations of the advisory committee.

Where the Committee makes recommendations with respect to the granting of special permits and/or variances, the Planning Board and/or Zoning Board of Appeal does not follow said recommendations, then the Board(s) shall make written reply to the Committee, detailing why the Board(s)' decisions were different from the Committee recommendations.

f. The Community Development staff shall serve as staff to the Committee.

4. *Membership and Terms*

a. *Membership.* Members in all categories shall be Cambridge residents or business persons or landowners within the Overlay District.

(1). One member having recognized qualifications as architect or landscape architect who shall also serve as chair of the Committee.

(2). Four (4) members representing the business community in Central Square with diverse representation from property owners, small and large scale merchants and office tenants.

(3). Four (4) members representing residents of the four (4) abutting Cambridge neighborhoods.

b. *Terms.* Committee members shall be appointed for terms of three (3) years each. Initial appointments shall, however, be staggered such that three (3) members shall have terms of two (2) years, and three (3) members shall have terms of three (3) years each.

20.304.2 Building Height Limitations. The maximum height of buildings in the Central Square Overlay District shall be governed by the requirements of this Section 20.304.2; however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. *As of Right Height Limitations.* The maximum height of any building shall be fifty-five (55) feet except as further limited below:

(a) Where the lot abuts Bishop Allen Drive or Prospect Street between Bishop Allen Drive and Harvard Street, any portion of the building above forty-five (45) feet shall be set back behind a forty-five degree (45°) bulk control plane beginning at an elevation of forty-five (45) feet above the front lot lines on Bishop Allen Drive and/or Prospect Street and rising over one or more lots at a forty-five degree (45°) angle.

(b) Where the Residence C-2A district serves as the base district, the maximum height shall be forty-five feet. No additional height shall be

permitted in this district notwithstanding any provision in Paragraph 2 below.

2. *Special Permit for Additional Height.* Additional height may be permitted as follows:

- (a) The maximum allowable height in the Central Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board provided that those portions in excess of sixty (60) feet are set back from the street line at least ten (10) feet and that those portions are also set back from one or more forty-five degree (45°) bulk control planes beginning sixty (60) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.
- (b) Where the lot abuts Bishop Allen Drive, or Prospect Street where the lot lies in a Business A District, and where the lot lies within a Business A District, any portion of the building above forty-five (45) feet shall be set back behind a forty-five degree (45°) bulk control plane beginning at an elevation of forty-five (45) feet above (1) the front lot lines on Bishop Allen Drive and/or Prospect Street and (2) any residential zoning district line abutting the Business A District, and rising over one or more lots at a forty-five degree (45°) angle.

3. The bulk control plane restrictions of Paragraphs 1 and 2 above may be waived by the Planning Board upon issuance of a Special Permit.

20.304.3 Floor Area Ratio Limitation. The maximum floor area ratio applicable to any lot in the Central Square Overlay District shall be governed by the requirements of this Section 20.304.3; however, at locations where the base zoning district establishes a more restrictive FAR limit the more restrictive shall apply.

1. *As Of Right Limitation.*

The maximum as of right FAR shall be 3.0 in the Office 3 base zoning district for Residential Uses, Section 4.31 a-h, and 2.0 for all other uses; 3.0 for all uses in the Business B base zoning district; and 2.0 in the Residence C-3 and Residence C-2A base zoning districts.

2. *Special Permit for additional FAR.*

The maximum FAR on any lot in a Residence C-3 or Residence C-2A district may be increased to 3.0 and 2.5 respectively upon issuance of a special permit from the Planning Board.

3. *Special Permit for Additional FAR for Affordable Housing.*

The maximum FAR on any lot in an Office 3 District may be increased to 3.75 upon issuance of a special permit from the Planning Board provided a minimum of twenty (20) percent of the total gross floor area authorized is devoted to affordable housing as defined in Section 11.201. The affordable housing shall conform to the standards of Section 11.204 except that lodging housing or single room occupancy facilities shall be specifically permitted. The additional FAR bonus

permitted in Section 11.203.2, however, shall not apply to developments employing this Section 20.304.3c

20.304.4 *Waiver of Setback Requirements.* Upon issuance of a special permit from the Planning Board the yard requirements of a base zoning district may be waived except where such yard abuts a lot, but not a public way, outside the Overlay District.

20.304.5 *Use Limitations and Restrictions.* In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Central Square Overlay District:

1. Ground Floor Restrictions.

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and/or Main Street and which is on a lot which shares a common lot line with Massachusetts Avenue or Main Street shall consist of Gross Floor Area devoted to any one or combination of uses permitted in the applicable base zoning district [except that such gross floor area in buildings abutting Massachusetts Avenue and/or Main Street between Inman and Pleasant Streets on the west and Columbia and Sidney Streets on the east shall be devoted to one or a combination of the following uses: Residential Uses (Section 4.31); Office and Laboratory Uses (Section 4.34 c and e); Retail, Business and Consumer Service Establishments (Section 4.35)], but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, and shall in addition meet the following conditions:

- a. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the abutting Massachusetts Avenue and/or Main Street at the property line except that residential uses may be located no higher than four (4) feet above the mean grade of the abutting street at the property line.
- b. The use shall have a minimum depth of twenty (20) feet.
- c. Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of fifty (50) percent clear glass.

2. Prohibited Uses.

The following uses shall be prohibited in the Central Square Overlay District: (1) Open Air or Drive-In Retail Services, Sections 4.36 b, f, g, h, i.

3. Restricted Uses.

- a. Fast Order Food Establishments (Section 4.35 o) shall be limited to fourteen (14) in the Central Square Overlay District; Section 11.33, shall not apply. No special permit or occupancy permit shall be issued which will permit the number of such establishments in the Central Square Overlay District to exceed fourteen (14).
- b. Bar or establishment where alcoholic beverages are consumed and where dancing and entertainment is provided, dance hall or similar place of entertainment; Section 4.35 g shall be permitted only if the principal public

entrance or entrances are directly from Massachusetts Avenue or Main Street.

4. *Uses permitted by Special Permit.* In addition to those uses currently allowed only by special permit in Section 4.30 - Table of Use Regulations, the following uses shall also require a special permit from the Board of Zoning Appeal: Retail bakery where it is proposed to sell beverages, sandwiches, or similar fast order food as an accessory use provided, however, that the bakery use shall have been in full operation for a minimum of six (6) months prior to the application for a special permit.

5. Retail sale of merchandise (Section 4.35 a (2) [but specifically excluding the sale of any food, liquor or tobacco], Arts and Crafts Studio (Section 4.35 g) and Office Uses (Sections 4.34 a, b, c, and d) shall be permitted in the base Residence C-2A district provided the following conditions are met:

- a. The uses are contained in a residential unit and do not occupy more than fifty (50) percent of the premises;
- b. No modifications to the exterior of the building or unit are made;
- c. Signs shall conform to the limitations of Article 7.000;
- d. Retail sale of goods related to the permitted accessory uses may be permitted;
- e. The accessory use meets the following requirements:
 - (1) The residential appearance and character of the district is not altered;
 - (2) Pedestrian and vehicular traffic is not significantly increased over that which would be generated by the normally permitted accessory uses;
 - (3) No significant modification to the exterior of the building or units is required;
 - (4) Signs conform to the limitations of Article 7.000.

20.304.6 *Wavier of Parking and Loading Requirements.* Uses in the Central Square Overlay District which meet the following requirements shall be exempted from the parking and loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

- 1. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or
- 2. The use is contained in a new structure or new addition to a structure identified in (1) above, after the issuance of a special permit by the Planning Board provided:
 - a. The standards set forth in Section 6.35 of this Zoning Ordinance are met; and
 - b. The standards set forth in Section 20.305 are met.
 - c. The Planning Board shall specifically find that an exemption from parking and loading requirements will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that it is in conformance with the

objectives and criteria contained in the “*Central Square Development Guidelines*”.

20.305 *Standards for Issuance of Special Permits.* In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

1. The proposed development is consistent with the goals and objectives of the Central Square Action Plan:

- encourage responsible and orderly development;
- strengthen the retail base to more completely serve the needs of the neighborhoods;
- preserve the Square’s cultural diversity;
- create active people oriented spaces;
- improve the physical, and visual environment;
- provide retail establishments that serve people of diverse economic and social groups who live in the surrounding neighborhoods;
- encourage the development of new mixed income housing; and
- promote compatible retail adjacent to residential uses.

2. The building and site designs are consistent with “Urban Design Plan for Central Square” as outlined in the “*Central Square Action Plan*” and the “*Central Square Development Guidelines*”;

3. The building and site designs adequately screen the parking provided and are sensitive to the contributing buildings in the vicinity;

4. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

5. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

20.306 *Signs*

20.306.1 Signs shall be permitted as they are allowed in the base zoning districts.

20.306.2 Nonconforming Signs. Notwithstanding the provisions in Article 7.000, Section 7.15 relating to nonconforming signs, any sign nonconforming as to size and having been erected for at least ten (10) years shall be removed where the space to which the sign is accessory is vacant.
